

Henry C. Bunsow (SBN 60707) ([bunsowh@howrey.com](mailto:bunsowh@howrey.com))  
K. T. Cherian (SBN 133967) ([cheriank@howrey.com](mailto:cheriank@howrey.com))  
Robert F. Kramer (SBN 181706) ([kramerr@howrey.com](mailto:kramerr@howrey.com))  
Constance F. Ramos (SBN 203637) ([ramosc@howrey.com](mailto:ramosc@howrey.com))  
Aaron Myers (SBN 200145) ([myersa@howrey.com](mailto:myersa@howrey.com))  
HOWREY LLP  
525 Market Street, Suite 3600  
San Francisco, California 94105  
Telephone: (415) 848-4900  
Facsimile: (415) 848-4999

Attorneys for Plaintiff/Counterclaim-Defendant  
BRIDGELUX, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

BRIDGELUX, INC.,	)	Case No. 3:08-mc-80028 JSW (EDL)
	)	
Plaintiff and Counterclaim-	)	(Underlying Case No. 9:06-CV-00240-RHC,
Defendant,	)	pending in U.S.D.C., E.D. Tex., Lufkin Div.)
	)	
vs.	)	<b>DECLARATION OF AARON MYERS IN</b>
	)	<b>SUPPORT OF BRIDGELUX, INC.'S</b>
CREE, INC.,	)	<b>NOTICE OF WITHDRAWAL OF MOTION</b>
	)	<b>TO QUASH CREE, INC.'S SUBPOENAS TO</b>
Defendant and Counterclaim-	)	<b>NON-PARTY PHILIPS LUMILEDS</b>
Plaintiff.	)	<b>LIGHTING COMPANY</b>
	)	
	)	Motion to Quash Filed: March 7, 2008
	)	Hearing Date: April 22, 2008
	)	Hearing Time: 9:00 a.m.

1 I, Aaron Myers, hereby declare as follows:

2 1. I am an attorney at law duly authorized to practice before this Court and a senior associate  
3 at the law firm of Howrey LLP. The following declaration is based on my personal knowledge. If  
4 called upon to testify, I could and would competently testify as to the matters set forth below.

5 2. This matter relates to a motion to quash subpoenas served in this district as part of a patent  
6 litigation currently pending in the Eastern District of Texas. The subpoenas were served by Defendant/  
7 Counterclaim-Plaintiff Cree, Inc. ("Cree") on third-party Philips Lumileds Lighting Co. ("Lumileds"),  
8 which moved to quash. Plaintiff/ Counterclaim-Defendant BridgeLux, Inc. ("BridgeLux") also moved  
9 to quash and requested monetary sanctions.

10 3. Subsequently, Cree and BridgeLux reached an agreement in the underlying litigation.  
11 Based on that agreement, Cree has withdrawn its pending subpoenas to Lumileds, and Lumileds has  
12 withdrawn its motion to quash, as memorialized in the Stipulated Withdrawal of Lumiled's Motion to  
13 Quash, a true and correct copy of which is attached hereto as Exhibit A.

14 4. Following Cree's withdrawal of the subpoenas, I conferred with Cree's counsel, Nicolas  
15 Brown, regarding BridgeLux's motion to quash. Mr. Brown and I agreed that BridgeLux would file  
16 the Notice of Withdrawal submitted herewith, attaching Exhibit A to evidence Cree's withdrawal of  
17 the subpoenas to Lumileds, and without the need for an additional written stipulation between  
18 BridgeLux and Cree.

19 I certify that the forgoing is correct and if called upon to testify as to the truth of any statement  
20 herein I could do so competently.

21 Executed this 9th day of April, 2008, at East Palo Alto, California.

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23 /s/ Aaron Myers

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25 DM\_US:21143223\_1

# **EXHIBIT A**

1 **[APPEARANCES LISTED ON SIGNATURE PAGE]**

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION  
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16 BRIDGELUX, INC.,

17 Plaintiff/Counterclaim  
18 Defendant

19 v.

20 CREE, INC.,

21 Defendant/Counterclaim  
22 Plaintiff.

Case No. 5:08-mc-80029 RMW (PVT)

**STIPULATED WITHDRAWAL OF  
THIRD PARTY PHILIPS LUMILEDS  
LIGHTING COMPANY LLC'S  
MOTION TO QUASH OR MODIFY  
SUBPOENAS SERVED BY CREE,  
INC.; SUPPORTING DECLARATION;  
[PROPOSED] ORDER**

Honorable Ronald M. Whyte

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STIPULATED WITHDRAWAL OF LUMILEDS' MOTION TO QUASH  
CREE'S SUBPOENAS; SUPPORTING DECLARATION; [PROPOSED]  
ORDER

Case No. 5:08-mc-80029 RMW (PVT)

1 This matter relates to a motion to quash subpoenas served in this district as part of  
2 a patent litigation currently pending in the Eastern District of Texas. The subpoenas were served  
3 by defendant Cree, Inc. on third-party Philips Lumileds Lighting Co., who moved to quash.

4 Subsequently, defendant Cree and plaintiff BridgeLux, Inc. reached an agreement  
5 in the underlying litigation, and based on that agreement Cree has withdrawn its pending  
6 subpoenas of Lumileds. Philips Lumileds and Cree then met and conferred, and agree that  
7 Lumileds' motion to quash should be withdrawn as moot.

8  
9 Dated: April 8, 2008

/s/ Andrew Wu  
Andrew Wu  
Morgan, Lewis & Bockius, LLP  
2 Palo Alto Square  
3000 El Camino Real, Suite 700  
Palo Alto, CA 94306  
E-mail: awu@morganlewis.com

Attorney for Third Party  
PHILIPS LUMILEDS LIGHTING CO. LLC

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23 Dated: April 8, 2008

/s/ Nicholas A. Brown  
Nicholas A. Brown (Bar No. 198210)  
E-Mail: nicholas.brown@weil.com  
WEIL, GOTSHAL & MANGES LLP  
Silicon Valley Office  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

Attorney for Defendant  
CREE, INC.

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PURSUANT TO STIPULATION, IT IS ORDERED that Philips Lumileds'  
motion is withdrawn as moot.

Dated:

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The Honorable Patricia V. Trumbull  
U.S. District Court Magistrate Judge

**GENERAL ORDER ATTESTATION**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Andrew J. Wu attest that concurrence in the filing of this document has been obtained from Nicholas A. Brown. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8th day of April, 2008, at Palo Alto, California.

/s/ Andrew J. Wu  
Andrew J. Wu